

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

New Hampshire Right to Life

v.

Case No. 11-cv-585-PB

US Department of Health & Human Services

O R D E R

New Hampshire Right to Life seeks a preliminary injunction requiring the United States Department of Health & Human Services to produce documents pursuant to the Freedom of Information Act ("FOIA") within 10 days of the court's order on the motion.

Defendant filed an objection to the motion on March 3, 2012. In the objection, the defendant represents that it will produce all responsive documents by April 1, 2012, and a Vaughn index of withheld documents by April 15, 2012. Thus, plaintiff's motion seeks to advance the production clock by approximately 10 days.

Proof of irreparable harm is one of the essential elements of a request for preliminary injunctive relief. Peoples Fed. Sav. Bank v. People's United Bank, 2012 WL 414251, at *6 (1st Cir. 2012). Plaintiff has failed to present a persuasive

argument that an additional delay of 10 days will result in irreparable harm. Accordingly, the Motion for Preliminary Injunction (Doc. No. 10) is denied.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

March 9, 2012

cc: Joseph Gardner Mattson, Esq.
Michael J. Tierney, Esq.
Gretchen Leah Witt, Esq.